



## Civilian Personnel News

# UPDATE

### Civilian Personnel Advisory Center

October

2009

## Director's Message

Where did the last year go? They always say time flies when you're having fun. We had a lot of fun and I thought you might want to see just a sampling.

We are currently providing personnel services to 3496 personnel on the installation including some who are physically working off site.

We processed 1657 recruit fill actions at an average fill time of 48 days. There were 1229 internal announcements and 564 external announcements for job vacancies.

There were 2176 monetary awards processed totally \$1,497,715 and 1521 time off awards processed totally 32,285 hours.

We held three Human Resource for Supervisor courses for AF with 94 personnel attending and 27 participants attending for NAF.

There were 4627 visitors to the CPAC during FY 09.

FY 2010 does not look like it will let us down when it comes to job security. As we take a deep breath to begin this New Year the goal of myself and my staff is always to provide you the best service we can with the utmost professionalism.

Enjoy your fall, the new FY and be safe in all you do.

CPAC Director

# CPAC Announcement

**Missouri Career Center**

Building 470

Suite 2203

0730-1130

1230-1630

573-596-0294

**CPAC**

Building 470

Suite 2205

0730-1130

1230-1630

573-596-0927

**NAF HR**

Building 470

Suite 2204

0730-1130

1230-1630

573-596-0283

**Human Resources Specialist and Technicians are available for appointments and or phone calls from**

**0900 – 1130 & 1230 – 1630**

**Monday through Friday**

## **Annual Leave – Use it Or Lose it**

Civilian Employees normally forfeit unused annual leave in excess of 240 hours at the end of the leave year.

A leave year begins on the first day of the first full pay biweekly pay period in a calendar year. A leave year ends on the day immediately before the first day of the first full biweekly pay period in the following year.

For leave year 2009, the leave year began on January 04, 2009 and ends on January 02, 2010. All “Use or Lose” annual leave needs to be scheduled prior to 21 November 2009.

Employees may request Restoration of scheduled annual leave canceled due to an exigency of the public businesses. This “Use or Lose” annual leave must have been requested in writing by the employee and approved by the supervisor at least three biweekly pay periods before the end of the leave year. (The leave may be scheduled for use during the final three pay periods; however, the scheduling decision must have

been made before the beginning of the third biweekly pay period before the end of the leave year.) An OPM Form 71 shall be used for this purpose. When an employee chooses not to schedule or use annual leave to avoid forfeiture, he or she will not be eligible to have forfeited leave restored.

If an administrative error causes the forfeiture, a current employee need not submit a claim for restoration.

When annual leave is forfeited because of sickness or an exigency of the public business, the employee must submit a written request to have the leave restored. Such a request must normally be submitted by the employee, through supervisory channels, to the proper approving official no later than 30 days after the end of the leave year in which the leave was forfeited.

Written documentation (which may include an OPM Form 71) showing the number of hours and calendar date(s) leave was scheduled for use and date of approval by the supervisor.

Reason(s) for subsequent cancellation of approved leave. If the reason for cancellation was because of an exigency of the public interest, a copy of the certification of exigency and documentation of the beginning and ending dates of the exigency must be included.

If applicable, also attach documentation of the calendar date(s) during which the leave was rescheduled for use, the number of hours or days rescheduled, and the date of approval of the revised schedule by the supervisor.

A request for restoration of annual leave will be reviewed and, upon determination that the documentation is adequate, the approving official will authorize restoration of leave. The authorization will be forwarded to the DRM, ATTN: CSR.

Restored leave will be credited to a separate leave account. Restored annual leave is not included in and does not increase the maximum annual leave carry-over for an employee. The restored leave must be used within a 2-year period. Where requested, annual leave is to be charged to the restored leave account. The employee must submit an OPM Form 71 clearly indicating the amount of leave to be charged to the restored leave account.

# Leave Recipient Program

There are many employees who need your generous donations of annual leave you cannot use before the end of the leave year. Visit [http://www.wood.army.mil/wood\\_cms/2883.shtml](http://www.wood.army.mil/wood_cms/2883.shtml) for general information about the leave transfer program and forms to become a recipient, as well to become a donor of leave time. Or you may contact your CSR at (573) 563-6196 for a list of employees that are approved leave recipients or (573) 596-0520 for MEDDAC/DENTAC employees that are approved leave recipients

## Open Season Coming Soon

In this year's Open Season, which runs from Monday, November 9 through Monday, December 14, 2009 federal employees can take the actions listed below for the Federal Flexible Spending Account Program (FSAFEDS), Federal Employees Dental and Vision Insurance Program (FEDVIP), and the Federal Employees Health Benefits Program (FEHB).

1. Enroll in a flexible spending account -- a health care and/or dependent care account, under the FSAFEDS Program. Unlike with other programs, employees MUST reenroll in FSAFEDS each year to participate. Enrollments DO NOT carry over year to year.
2. Enroll in, change, or cancel an existing enrollment in a dental plan under the FEDVIP Program.
3. Enroll in, change, or cancel an existing enrollment in a vision plan under the FEDVIP Program.
4. Enroll in, change, or cancel an existing enrollment in a health plan under the FEHB Program.

FEHB business transactions are made at the Army Benefits Center-Civilian (ABC-C) either by telephone at 1-877-276-9287, or on line at [www.abc.army.mil](http://www.abc.army.mil) at the Benefits/EBIS tab. You need the enrollment code of the health plan of your choice. You will find this code in the FEHB Plan Comparison Guide, RI 70-1, or in the appropriate plan brochure. Additionally, these plan comparison charts are accessible from the OPM

web page at <http://www.opm.gov/insure>. If your enrollment is for Self and Family coverage, you will need each family members' SSN and date of birth.

The Annual Health Fair for Fort Leonard Wood employees is scheduled for 13 November 2009 from 9:00 a.m. until 3:00 p.m. in Building 470, Room 2225.

Open Season changes are effective the first day of the first full pay period that begins in January 2010. Generally, mid-year changes are effective on the first day of the pay period which begins after your enrollment is received.

## **Accessing your Workers Compensation Claim**

On June 9, 2009 the Department of Labor (DOL) held their Office of Workers' Compensation Programs (OWCP) Interagency meeting. One of the topics discussed was their deployment of the Claimant Query System (CQS). CQS allows an injured employee the ability to access information regarding their own claim such as: benefits payments, benefits tracking, medical bill status, case status history, accepted conditions, employing agency information, and CA-16 information.

CQS is an important tool that can be a time-saving device for each ICPA in the field. The information in CQS is not as extensive as the Automated Query System (AQS). CQS provides individual claimants the ability to view when the DOL/OWCP has issued a check in the case, provides the amount of the payment, annotates whether or not OWCP has received and logged in a CA-7, *etc.* In AQS, the payment history screen provides the ICPA with more detailed payment information such as the basis for the amount of the check issued - pay rate, compensation rate, health benefits deductions, *etc.*

Instructions for accessing this site and other topics discussed at this meeting can be obtained on the DOL website (<http://www.dol.gov/esa/owcp/dfec/ppt/ppt.htm>). User guides can be found at <http://www.dol.gov/esa/owcp/dfec/CQS061709.pdf>.



Army personnel must not engage in outside employment that:

- \* Interferes with their ability to perform their government duties
- \* Appears to create conflicts of interest involving the Army or the United States Government

- \* May reasonably be expected to bring discredit or criticism against the employee or the Army

This restriction further disallows canvassing, soliciting and peddling of goods and products (AVON, school candy, etc.) by employees during working hours.

Civilian employees must normally obtain official permission before engaging in off-duty employment if the prospective employer transacts or is proposing to transact business with the Department of Defense or its Departments. Inquiries regarding the appropriateness of off-duty employment should be directed to the Judge Advocate's Office.



## No Fear Act Notice

PDF Version  [914 KB]

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," which is now known as the No FEAR Act. One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." Pub. L. 107-174, Summary. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Pub. L. 107-74, Title I, General Provisions, Section 101(1).

The Act also requires this agency to provide this notice to Federal employees, former Federal employees and applicants for Federal employment to inform you of the rights and protections available to you under Federal antidiscrimination, whistleblower protection and retaliation laws.

### Antidiscrimination Laws

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b) (1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e-16. If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact an Equal

Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with your agency. See, e.g., 29 CFR § 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged discriminatory action. If you are alleging discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) (see contact information below). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

### **Whistleblower Protection Laws**

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC-11) with the U.S. Office of Special Counsel at 1730 M Street NW., Suite 218, Washington, DC 20036-4505 or online through the OSC Web site -- [www.osc.gov](http://www.osc.gov).

### **Retaliation for Engaging in Protected Activity**

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

### **Disciplinary Actions**

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee who has engaged in discriminatory or retaliatory conduct, up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however,


according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

### Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR 724, as well as the appropriate offices within your agency (e.g., Center for Equal Employment Opportunity, Center for Human Capital Management Services, or Office of General Counsel). OPM's specific antidiscrimination policies relating to equal employment opportunity and prohibited personnel practices have been physically and electronically posted throughout OPM. Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site-- [www.eeoc.gov](http://www.eeoc.gov) and the OSC Web site-- [www.osc.gov](http://www.osc.gov).

### Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

**U.S. Office of Personnel Management** 1900 E Street NW, Washington, DC 20415 |   
(202) 606-1800 | TTY (202) 606-2532



# Whistleblowing



**A "whistleblower" provides information he or she reasonably believes evidences:**

- A violation of any law, rule or regulation
- Gross mismanagement
- A gross waste of funds
- An abuse of authority
- A substantial and specific danger to public health
- A substantial and specific danger to public safety

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The Office of Special Counsel (OSC) provides a secure channel through which current and former federal employees and applicants may make confidential disclosures. OSC evaluates the disclosures to determine whether there is a substantial likelihood that one of the categories listed above has been disclosed. If such a determination is made, OSC has the authority to require the head of the agency to investigate the matter.

**To make a disclosure contact:**

**U.S. OFFICE OF SPECIAL COUNSEL  
1730 M STREET, N.W., SUITE 218  
WASHINGTON, DC 20036-4505**

**PHONE: (202) 254-3640\*      TOLL FREE: 1-800-572-2249\***

**\*Hearing and Speech Disabled: Federal Relay Service 1-800-877-8339**

**WWW.OSC.GOV**

**Rev. 12/05**

**Weingarten Notice**

Annual Weingarten Notice to all bargaining unit employees:

In accordance with the requirements of 5 USC 7114(a)(3), this is to advise bargaining unit employees that:

An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at any examination of an employee in the unit by a representative of the agency in connection with an investigation if - (a) the employee reasonably believes that the examination may result in disciplinary action against the employee; and (b) the employee requests representation.

For our November update we would like to include some of the things you are thankful for. Write us a poem letting us know what they are, and your poem could be published in the November Edition Update! We would need the poems no later than the 9<sup>th</sup> of November. Please send them to [leon.pecpswrm@conus.army.mil](mailto:leon.pecpswrm@conus.army.mil)

Send Your HR questions to: [leon.pecpswrm@conus.army.mil](mailto:leon.pecpswrm@conus.army.mil).

Please let us know how we are doing. Visit [http://ice.disa.mil/index.cfm?fa=service\\_provider\\_list&site\\_id=447&service\\_category\\_id=33](http://ice.disa.mil/index.cfm?fa=service_provider_list&site_id=447&service_category_id=33)



***Even though yellow ribbons and United States Flags have been displayed for a while in support of our troops, continued prayers are offered for these troops and their families. We all wish the best for their safe return home.***